

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.
v.	:	DATED FILED:_____
KE LI SZE d/b/a/ THE GREAT WALL SEAFOOD MARKET	:	VIOLETIONS: 16 U.S.C. §§ 3372(a)(1) and 3373(d)(1)(B); 3372(a)(2)(A), and 3373(d)(1)(B) (Lacey Act violations - 2 counts)

I N F O R M A T I O N

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this Information:

1. Defendant KE LI SZE was a resident of Philadelphia, Pennsylvania, and was the owner of THE GREAT WALL SEAFOOD MARKET (“the MARKET”), located at 102 North 10<sup>th</sup> Street in Philadelphia, Pennsylvania.
2. The Asian clam (Corbicula sp.) is a species of wildlife that is subject to regulation under the Lacey Act Amendments of 1981, Title 16, United States Code, Section 3371, et seq.; Title 21 of the Code of Federal Regulations (“C.F.R.”), Section 1240.60; Title 6, Philadelphia Code, Sections 6-301 and 306; and City of Philadelphia Health Regulations Section 2-06.4.
3. In April 2002, Asian clams were unlawfully harvested from condemned waters at Muddy Run, Salem County, New Jersey, and without a commercial clamming license as required by New Jersey state law. Because bacterial levels in shellfish approximate bacterial levels in the harvest waters, New Jersey classifies waters where shellfish are harvested for human consumption. New Jersey waters are classified as condemned when they are not sampled in

comprehensive bacterial, pollution and sanitation surveys intended to reduce human health risks.

4. On or about April 29, 2002, defendant KE LI SZE purchased four and a half bags of Asian clams on behalf of THE GREAT WALL SEAFOOD MARKET, from two males whose identity is known to the United States Attorney. The two men told SZE they had harvested the clams in New Jersey. Contrary to federal and state law, the clams were not identified by a tag attached to the container, or a shipping document, stating the date of harvest, the harvest site, the type and quantity of shellfish, and the harvester. SZE paid \$600 cash for the clams, which weighed 600 lbs.

5. SZE knew that it is illegal to purchase untagged shellfish.

6. On or about April 29, 2002, SZE offered Asian clams for sale in the MARKET without any documents concerning the purchase of the clams, or the shipping and origin of the clams.

7. On or about April 29, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

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knowingly engaged in conduct that involved the sale and purchase, offer of sale and purchase, and intent to sell and purchase, fish and wildlife with a market value in excess of \$350, that is, Asian clams, and knowingly received, acquired, and purchased in interstate commerce those clams, knowing that the clams were taken, possessed, transported, and sold in violation of, and in a manner unlawful under, federal laws and regulations, specifically, 21 C.F.R. § 1240.60.

In violation of Title 16, United States Code, Sections 3372(a)(1) and 3373(d)(1)(B).

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**COUNT TWO**

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. The allegations contained in paragraphs 1 through 6 of Count One are realleged here.

2. On or about April 29, 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendant

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knowingly engaged in conduct that involved the sale and purchase, offer of sale and purchase, and intent to sell and purchase, fish and wildlife with a market value in excess of \$350, that is, Asian clams, and knowingly received, acquired, and purchased in interstate commerce those clams, knowing that the clams were taken, possessed, transported, and sold in violation of, and in a manner unlawful under, the laws and regulations of Pennsylvania, specifically, Title 6, Philadelphia Code, Sections 6-301 and 306, and City of Philadelphia Health Regulations, Section 2-06.4.

In violation of Title 16, United States Code, Sections 3372(a)(2)(A) and 3373(d)(1)(B).

**NOTICE OF ADDITIONAL FACTOR**

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Defendant KE LI SZE committed the offenses charged in Counts One and Two of this Information for pecuniary gain or commercial purpose as described in United States Sentencing Guideline Section 2Q2.1(b)(1).

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PATRICK L. MEEHAN  
United States Attorney